

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GMO GAMECENTER USA, INC. and GMO
INTERNET, INC.,

Plaintiffs,

-against-

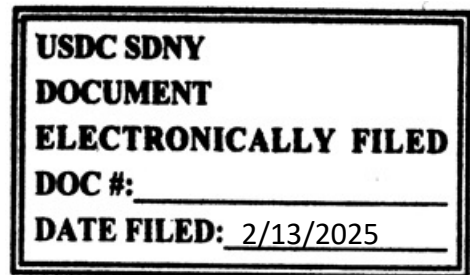
WHINSTONE US, CORPORATION,

Defendant.
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KATHARINE H. PARKER, United States Magistrate Judge:

The Court is in receipt of the parties' status letter filed on February 12, 2025. (ECF No. 272.) Concerning the proportionality of proposed search terms for documents that reference GMO or the Texas Agreement as part of a larger business strategy, the parties shall file a status letter by **February 19, 2025**, updating the Court on the status of this dispute and whether they need the Court to resolve it.

As to Whinstone's privilege log, as the Court previously stated on the record, each side shall identify 30 documents for the Court's *in camera* review by **February 14, 2025**. The 30 selected documents may include any document withheld, and need not be limited to the categories of documents GMO raised in its pre-motion letter. However, the Court will not entertain successive privilege motions concerning the same privilege log and encourages the parties to have a robust meet and confer process so that the documents reviewed *in camera* are ones that the party challenging the privilege designation has a good faith basis to challenge. With regard to the categorical privilege log for post-suit termination-related documents, Whinstone shall provide an itemized metadata privilege log for the 59 documents in its categorical privilege log, so that GMO may select documents for *in camera* review from these




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ORDER

59 if it so chooses. With regard to Whinstone's complaints about GMO's log, the Court has already directed the parties to file a status letter with the Court by **February 17, 2025** proposing a briefing schedule if the parties are unable to reach a resolution concerning GMO's privilege log. *See Monterey Bay Mil. Hous., LLC v. Ambac Assurance Corp.*, No. 19CIV9193PGGSLC, 2023 WL 315072, at *10 (S.D.N.Y. Jan. 19, 2023) (observing that failure to furnish an adequate privilege log identifying which privilege is being asserted may be grounds for finding the protection waived).

SO ORDERED.

DATED: New York, New York
February 13, 2025



KATHARINE H. PARKER
United States Magistrate Judge